

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2820 OF 2019

Vinod S/o. Vallabhdas Bathiya

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Anand Mishra i/b. A. M. Saraogi for Petitioner.

Ms. M. H. Mhatre, APP for State/Respondent No.1.

Mr. M. S. Hegole for Respondent No.2.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.

DATE : 13 DECEMBER 2021

P.C. :

. Heard the learned counsel for the parties.

2. This Petition is filed for quashing of F.I.R. filed by the Respondent No.2. The ground in the Petition is that the Respondent No.2 has given consent for quashing of F.I.R.

3. Merely because the Respondent No.2 has given consent to quash the F.I.R. does not mean that the Court will not look at any other aspect. Implication of the offence and quashing of F.I.R. is one of the criteria that the Courts look into it to decide whether the F.I.R.

can be quashed by consent.

4. In the present case the allegations are that the Respondent No.2 was deceived by the Petitioner to part with money on the promise of giving him residential accommodation.

5. The learned APP, on instructions, states that there are at least five offences registered against the Petitioner. Under Section 420 of the Indian Penal Code, there is another Petition on board by the same Petitioner for quashing of another F.I.R. The learned APP contends that the Petitioner has repeatedly indulged in acts of cheating in similar manner, and the matter is not between the Petitioner and Respondent No.2 alone.

6. Considering these facts, we are of the opinion that this is not a case where F.I.R. can be quashed by consent. Since the Petition is based entirely on the consent of the Respondent No.2, no order can be passed in this Petition.

7. The Writ Petition is accordingly disposed of.

8. If the Petitioner files a Petition on merits to quash the F.I.R., the same will be considered on its own merits.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)